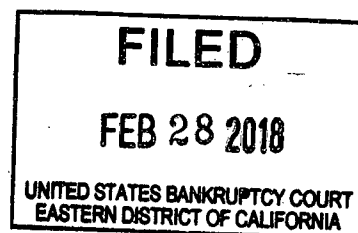


FDIS



RubenD. Ramirez
3311 S Volney st
Stockton Ca 95206
209-808-8411

Ruben D Ramirez, IN PRO PER

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO

Ruben D Ramirez,
Plaintiff,

vs.

Caliber Home loans
Summit Trustee Services
Summit Management LLC,

David T. Biderman

Thomas N.ABBOTT

PERKINS COIE LLP.

505 Howard st.

San Francisco ca 94105

Defendant

) Case No.17-26861-D-13
)
) CHAPTER 13
) Adversary proceeding No
) 17-0222-D
) Plaintiffs Responses to motion
) to Dismiss.
) Argument
)
) Date march 13,2018
Time 10:00 Am
Courtroom 34

INTRODUCTION

1
2
3 The premises of the defendants motion to dismiss is that the
4 plaintiff could not avail himself of the protection of the chapter
5 13 of the bankruptcy code and therefore, they (defendants) had the
6 right to disregard the automatic stay and sale the subject
7 property at auction.

8 This premise is wrong and contrary to the ruling espoused in
9 Fannie Mae v.Griffin (in re griffin),489 B.R.638,(Bankr. D.MD
10 2013), where the court noted that the debtor was allowed under 11
11 U.S.C.section 1322(c)(2) to avail himself of the protections of the
12 bankruptcy code,even though he didn't own the house, but was a
13 heir to the house.The law is clear, if an individual stands to
14 inherit any real estate that is about to be foreclosed, filing for
15 Bankruptcy will stop the foreclosure and help the beneficiary
16 reorganize the debts by paying the mixed mortgage payments in a
17 chapter 13 plan. The defendants took it upon themselves to deny
18 the plaintiff the opportunity to file a chapter 13 plan and
19 keep his home.
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28

STATEMENT OF FACTS

The automatic stay involving my fathers Estate being the property located at 3311 Volney st. Stockton ca, 95206 Was in fact protected at the time I filed for protection under 11 U.S.C. Chapter 13 bankruptcy protection.

On October 18, 2017 Despite the fact as pointed out in this entire pleading, That the Ramirez family tried to remedy according to Law, work out a payment plan to pay the owed balance on there Late Fathers loan But were Denied by Caliber Home Loans and Summit Management LLC.

On there own Documentation Caliber Homeloans Clearly State that they Had done and filed and have performed all do diligence in accordance to Cal civil code 2923.55(f) Which to date has been repealed and isn't valid.

This statement provided by Caliber Home loans Inc. is not true!
Dated May 4, 2017 doc# 1

To this date The Ramirez Family and myself Ruben D Ramirez have all supporting documentation showing this Entire loan being Payed off Entirely. In the Summ of 58,000.00 Fifty eight thousand US Dollars. Dating back from 2000, up until 2017. Doc.2

Theres clearly Several Violations of Lending Practices Ca. Ressa, and several others and a continued trail of wrong doing.

To Date, this is a clear case of how American families to date" are living in Tents throughout America and being thrown on the streets Senior Citizens, Children, Mothers, Fathers, whom all are not on any" and I repeat, "Any type of Drugs or Illegal Substances at all!

This again' a Major Multi Million Dollar Company Caliber Home Loans Inc. Contributing to This God forsaken task of sending hard working Elderly Folks to the streets to live.

1. How is it, that no one to date as of September 29, 1995 New that this Line of credit for 43,000.00 taken out by my father has been satisfied by a barrage of payments dating back to 2000 through 2017? In the sum of 58,000.00\$ Payed to Beneficial, HFC, and Caliber.

2. Do Dilligence would've let you know that in fact my True and Correct name is in fact Ruben Eugene Donald Ramirez.

3. My fathers Death Cirtificate will reflect this information.

1 The cause of action for violation of the Automatic stay
2 Is proper. And defendants should be held to answer.
3 And pay all applicable penalties arising out of these and any
4 Other Violation found to be true in this matter.

5 Ruben Ramirez was and is entitled to Chapter 13 Bankruptcy
6 Protection under 11 U.S.C. section 362(k)

7 Further to state that at the time of the Stay Harm Did take place.

8 The property was sold to a George W. Harris dba. RTH Visailia LLC.

9 Which prevented the family from being able to perform anything or
10 to repair the home coming into the winter mounths so as, to not
11 become victims of **BLACK MOLD AND ALL OTHER ILLNESES CONNECTED TO**
12 **BEING EXPOSED TO COLD WET DENSE AND LIFE THREATNING WHEATHER.**

13 All hopes were completely shadderd every sinse Caliber Home loans
14 Inc And Summit Trustee Services and or Summit Management LLC.Sold
15 our home at public Auction on October 18,2017.

16 Ruben Ramirez Dose in fact have a possessory right
17 As well, as a protected interest in his Fathers Estate
18 Real and personal property and was in fact protected by
19 the automatic stay provided by Chapter 13 Bankruptcy protection.

20 For these reasons there motion to dismiss for Failure to state a
21 claim on which relief can be granted should be denied.

PRAYOR FOR RELIEF

After a stipulation or determination by the courts that in fact the law has been broken a violation of the Automatic stay has been in any way violated or disturbed. We pray that this court uses its widest discretion under its Authority to grant judgment in favor of the Ramirez Family and the Estate of Alois Ramirez.

A. We pray for full Reconveyance of said foreclosed deed of trust used in this matter to foreclose on said 3311 Volney St. Stockton ca, 95206

B. All judgements and Unlawfull Detainer judgements by George W. Harris dba RTH Visailia LLC be vacated by this court. as well as all Law Suits filed because of said actions.

C. All Punitive damages applicaple by the Law and this copurt.

D. Money damages in the amount of 950.000.00 Nine hundred fifty thousand dollars to be awarded to the Family and or the Estate of Alois Ramirez.

E. And any equitable relief deemed fair by this court.

BY: Ruben Eugene Donald Ramirez
02/28/2018



2-28-2018

THREE DAY NOTICE TO QUIT

TO A LOIS RAMIREZ, STELLA RAMIREZ & ALL OCCUPANTS
and all other tenants in possession of the premises describes as:

Address 3311 VOLNEY ST
(City) STOCKTON 95206, County SAN JOAQUIN, California

NOTICE IS HEREBY GIVEN that within three (3) days after service on you of this notice, you must quit and surrender possession of the premises described above to the owner or the owner's agent. If you fail to vacate and surrender possession of the premises within the three-day period, legal proceedings will be commenced against you to recover possession of the premises, and to recover a judgment for TREBLE damages for your unlawful detention of the premises, together with costs suit.

You are remaining in possession of the premises after title has been transferred to the owner, and said title has been duly perfected by recording the deed with the county clerk, and you remain in possession without the permission of the owner. This notice is served pursuant to California Code of Civil Procedure Section 1161a (b).

PURCHASED @ PUBLIC AUCTION 10/18/2017

Dated this 9TH day of NOV, 2017

RTH VISALIA LLC
POB 1536
BRENTWOOD CA 94513

GEORGE HARRIS
Owner/Manager/Agent of Owner
DBA: RTH VISALIA LL
209-986-1827

PROOF OF SERVICE

I, the undersigned, being at least 18 years of age, declare under penalty of perjury that I served the above notice, of which this is a true copy, on the above-mentioned tenant(s) in possession in the manner(s) indicated below:

- ☐ On , 20 , I handed the notice to the tenants.
- ☐ On , 20 , after attempting personal service, I handed the notice to a person of suitable age and discretion at the tenant's residence/business.
- ☒ On 11-9, 2017, after attempting service in both manners indicated above, I posted the notice in a conspicuous place at the tenant's residence.
- ☒ On 11-9, 2017, I deposited a true copy of the notice in the United States Mail, in a sealed envelope with postage fully prepaid, addressed to the tenant at his place of residence.

Executed on 11-9, 2017, at the City of STOCKTON, County of SAN JOAQUIN, State of California.

Served by TJ ERANDSON 209-483-1032

Reg# 95139
POB 5425
STOCKTON, CA
95205

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN Superior Court San Joaquin 180 E Weber Avenue 180 E Weber Avenue Stockton, CA 95202	
SHORT TITLE: George W. Harris dba RTH Visalia LLC vs Alois Ramirez et al.	
NOTICE THAT YOU HAVE BEEN SUED Unlawful Detainer	CASE NUMBER: STK-CV-LUDR-2017-0012287

A lawsuit has been filed against you by your landlord or the owner of the property where you live. YOU MAY BE EVICTED AS A RESULT OF THIS LAWSUIT

Under the law, a limited number of people can look at the court records about this case for the next 60 days. These include the court index, register of actions, and other court records. You, your lawyer (if you have one), your landlord or property owner, and his or her attorney can view this information. The court file can also be seen by any other person who can:

- (1) Tell the court clerk the name of one plaintiff (the person suing you) and one defendant (you or any other tenant). That person must also tell the court clerk your address, including the apartment, unit, or space number, or
- (2) Tell the court clerk the name of the plaintiff (the person suing you) or a defendant (usually a tenant) in this lawsuit, or the case number and can show proper identification that proves that he or she lives at the address described in the complaint, or
- (3) If the person wanting to view the file gets an order from a judge (this may be done without a court hearing).

The State Bar of California certifies lawyer referral services in California and publishes a list of certified lawyer referral services organized by county. To locate a lawyer referral service in your county, go to the State Bar's website at www.calbar.ca.gov or call 1-866-442-2529.

**COURT STAFF CANNOT GIVE YOU LEGAL ADVICE. FOR LEGAL ADVICE, YOU MAY CALL:
PARA CONSEJO LEGAL EN SU CASO, USTED PUEDE LLAMAR:**

- San Joaquin County Bar Association (209) 948-4620
- California Rural Legal Assistance (209) 946-0605 (Low Income Requirement)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

Superior Court San Joaquin
180 E Weber Avenue
180 E Weber Avenue
Stockton, CA 95202

SHORT TITLE: **George W. Harris dba RTH Visalia LLC vs Alois Ramirez et al.**

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:

STK-CV-LUDR-2017-0012287

I certify that I am not a party to this cause. I certify that a true copy of Notice that you have been sued was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred in Stockton, California, on 11/17/2017.

Clerk of the Court, by: Angela Constantino, Deputy

All Occupants
3311 Volney Street
Stockton, CA 95206

Alois Ramirez
3311 Volney Street
Stockton, CA, 95206

Stella M. Ramirez
3311 Volney Street
Stockton, CA, 95206

SAN JOAQUIN COUNTY

PUBLIC HEALTH SERVICES
STOCKTON, CALIFORNIA

CERTIFICATE OF DEATH

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEASED—FIRST (PRINT) ALOIS		2. LAST NAME RAMIREZ	
3. DATE OF BIRTH MM/DD/CCYY 09/16/1923		4. AGE YRS 72	
5. STATE OF BIRTH TX		6. SEX M	
7. DATE OF DEATH MM/DD/CCYY 04/03/1998		8. HOUR 1358	
9. SOCIAL SECURITY NO. 461-26-3084		10. MARITAL STATUS WIDOWED	
11. MILITARY SERVICE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		12. EDUCATION—YEARS COMPLETED 7	
13. RACE WHITE		14. US BORN—SPECIFY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN	
15. US BORN—SPECIFY MEX/AM		16. USUAL EMPLOYER LIVINGSTON STEEL	
17. OCCUPATION IRON WORKER		18. YEARS IN OCCUPATION 20	
19. USUAL RESIDENCE—STREET AND NUMBER OR LOCATION 3311 VOLNEY STREET			
20. CITY STOCKTON		21. STATE OR FOREIGN COUNTRY CA	
22. NAME, RELATIONSHIP RUBEN RAMIREZ - SON		23. MAILING ADDRESS (STREET AND NUMBER OR RURAL ROUTE NUMBER, CITY OR TOWN, STATE, ZIP) 7100 E. EVANS, #429A, DENVER, CO 80222	
24. NAME OF SURVIVING SPOUSE—FIRST ELOY		25. LAST (MAIDEN NAME) RAMIREZ	
26. NAME OF FATHER—FIRST CORLOTA		27. LAST (MAIDEN) MORENO	
28. DATE MM/DD/CCYY 04/09/1998		29. PLACE OF FINAL DISPOSITION SAN JOAQUIN CATHOLIC CEMETERY, HARDING WAY/CEMETERY LN., STOCKTON, CA 95204	
30. TYPE OF DISPOSITION BU		31. LICENSE NO. 5365	
32. NAME OF FUNERAL DIRECTOR FRISBIE-WARREN & CARROLL		33. DATE MM/DD/CCYY 04/08/1998RAW	
34. PLACE OF DEATH SAN JOAQUIN GENERAL HOSP.		35. CITY SAN JOAQUIN	
36. STREET ADDRESS—STREET AND NUMBER OR LOCATION 500 W. HOSPITAL ROAD		37. CITY FRENCH CAMP	
38. DEATH WAS CAUSED BY (ENTER ONLY ONE CAUSE PER LINE FOR A, B, C, AND D) (A) CARDIOPULMONARY ARREST		39. TIME INTERVAL BETWEEN ONSET AND DEATH MINS.	
40. DUE TO (B) STAPHYLOCOCCAL SEPSIS		41. DEATH REPORTED TO CORONER <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
42. DUE TO (C) LIVER FAILURE		43. BODY PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
44. DUE TO (D) COAGULOPATHY		45. AUTOPSY PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
46. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 107 COAGULOPATHY		47. USED IN DETERMINING CAUSE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
48. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 111? IF YES, LIST TYPE OF OPERATION AND DATE.		49. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP GEORGE SHAHINIAN, MD, 500 W HOSPITAL RD, FRENCH CAMP, CA, 95231	
50. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSE STATED. 03/31/1998 04/03/1998		51. SIGNATURE AND TITLE OF CERTIFIER Karen Furst, MD	
52. I CERTIFY THAT IN MY OPINION DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSE STATED.		53. LICENSE NO. A063870	
54. MANNER OF DEATH <input type="checkbox"/> NATURAL <input type="checkbox"/> SUICIDE <input type="checkbox"/> HOMICIDE <input type="checkbox"/> ACCIDENT <input type="checkbox"/> PENDING INVESTIGATION <input type="checkbox"/> COULD NOT BE DETERMINED		55. DATE MM/DD/CCYY 04/03/1998	
56. LOCATION (STREET AND NUMBER OR LOCATION AND CITY, ZIP) 500 W. HOSPITAL ROAD, STOCKTON, CA 95204		57. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP GEORGE SHAHINIAN, MD, 500 W HOSPITAL RD, FRENCH CAMP, CA, 95231	
58. SIGNATURE OF CORONER OR DEPUTY CORONER Karen Furst, MD		59. DATE MM/DD/CCYY 04/03/1998	
60. TYPED NAME, TITLE OF CORONER OR DEPUTY CORONER KAREN FURST, MD		61. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP GEORGE SHAHINIAN, MD, 500 W HOSPITAL RD, FRENCH CAMP, CA, 95231	
62. STATE REGISTRAR 162214		63. FAX AUTH. # 38036	
64. CENSUS TRACT		65. CENSUS TRACT	

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN } SS

This is a true and exact reproduction of the document officially registered and placed on file with San Joaquin County Public Health Services.

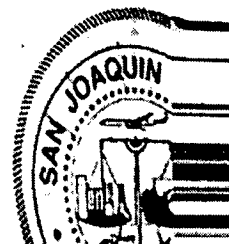
DATE ISSUED:

04/08/1998

This copy not valid unless prepared on engraved border displaying date and signature of Registrar

Karen Furst, MD

KAREN FURST, M.D.
LOCAL REGISTRAR



Summit Trustee Services
2763 Camino Del Rio S., 1st Fl.
San Diego, CA 92108



7196 9002 3371 0018 3200



CA-17-8432-CS
Occupant / Resident
3311 VOLNEY ST
STOCKTON, CA 95206

Ruber

720 436-9139

Cee

855-794-1579



16197394



EXIBITS

- (1) CALIBER HOME LONN DO DILLEGENSE DECLARATION *See ex H. 25-05 29. filed.*
- (2) RECEIPTS FROM 18 YEARS OF PAYMENTS *to come*
- (3) ALOIS RAMIREZ DEATH CIRTIFICATE *include*
- (4) SUMMIT TRUSTEE SERVICES FORCLOSURE FACE SHEET *include*
- (5) EVICTION UNLAWFULL DETAINER INFO FILED BY GEORGE W HARRIS RTH VISALIA LLC. *in. #3*